

REMARKS/ARGUMENTS

This application has been carefully reviewed in view of the Office Action dated April 14, 2005.

In response, claims 1, 3, 4, 11, 13, 14, 15 and 18 have been amended in accordance with 35 U.S.C. §112, second paragraph. Re-examination and reconsideration of the application, as amended, is respectfully requested. None of the amendments alter the scope of the claims or add new matter. In view of the amendment to claim 11, the objections to the drawings are moot.

By way of background, the work in principle of the starting device must be considered. Because of the working principle of the spiral spring which extends around the bearing axis for a torsion beyond 270-180 degrees, a winding of this spiral spring often presses into the gap or the intermediate space between the rope drum and the ratchet catch element. As a result, at least one part of the winding of the spiral spring enters the gap between the rope drum and the catch element and is naturally elongated excessively and subject to undesirable permanent deformation.

The present invention, as set forth in the independent claims, provides a bushing or sleeve which fills the gap between the pulley or rope drum (4) and the coupling element (6). This bushing or sleeve (8) advantageously prevents the elastic coupling element from entering into the intermediate space and, therefore, prevents damage to the spiral spring noted above.

The Office Action indicates that the Leasure et al. reference anticipates claims 1-5, 7, 11, 13-16 and 18 of the present invention. In this regard, the Office Action states that the "claims embrace at least the recoil starter embodiment shown in Fig. 10, which includes a rope pulley 86, an engaging element 90 with a sleeve portion and a spring coupling element 88". However, the Leasure et al. reference, contrary to the statement set forth in the Office Action, does not show, teach or suggest the provision of a bushing or sleeve as set forth in the pending claims. In the Response to the previous Office Action,

the Applicant requested that if the Examiner believes that a particular element is the equivalent of a bushing or sleeve, then the next Office Action (i.e., the present Office Action) should specifically illustrate and define that particular element so that it can be more specifically addressed. The present Office Action fails to do so, merely stating that Leasure et al. describes cylindrical portions surrounding the axle as 'sleeves' (e.g., col. 3, lines 49-56) and that this is sufficient to read on the structure as claimed. This is incorrect.

A reference (e.g., Leasure et al.) has to teach the actual claimed element, and the Office Action can't simply say that words in the reference match words in the claims. If an applicant were to claim a locomotive, and a reference teaches an excavator, but erroneously calls it "locomotive" then the locomotive in the claim is not anticipated. A reference does not anticipate a claim because of the wording that the reference uses, but about what is in fact described in the reference. In Leasure et al., there is no sleeve as claimed represented or indicated in the figures (FIGS. 1-12). In particular, the sectional drawings of FIGS. 10-12 do not give any hint to a sleeve but represent only functional components such as winding drum, springs and casing, whereby the designation dome for the component 90 (arbor) is misleading according to our technical understanding but cannot surely be brought in relation with a sleeve since it is clearly functionally a hub. In the explanation, col. 3, lines 49-56, the matter is erroneously described as a sleeve, but it should clearly be a hub. Whether hub or dome, both look very similar in sectional drawings but it should clearly be a hub.

Additionally, the Office Action failed to demonstrate that Leasure et al. anticipates each and every element of the claimed invention.

Thus, the rejections of claims 1-5, 7, 11, 13-16 and 18 should be withdrawn.

The Office Action indicates that the Kawasaki et al. reference anticipates claims 1-5, 7, 10, 13-16 and 18 of the present invention, stating that a sleeve, as claimed, is defined by the cylindrical portions of rope reel 21 and pulley 31

surrounding the axle 12. This is incorrect. A hub fulfills functions a completely different function than a sleeve. In the drawing, only a stroke is missing. However, this makes all the difference as technically and physically, both parts are very different.

Additionally, the Office Action failed to demonstrate that Kawasaki et al. anticipates each and every element of the claimed invention.

Thus, the rejections of claims 1-5, 7, 10, 13-16 and 18 should be withdrawn.

As Kawasaki fails to anticipate the claims from which claims 6 and 17 depend, a combination of Kawasaki with Forbess also fails to render claims 6 and 17 obvious. Likewise, as Kawasaki fails to anticipate the claims from which claims 8 and 19 depend, a combination of Kawasaki with Uhl also fails to render claims 8 and 19 obvious. Without waiver, Kawasaki is not properly combinable with either Forbess or Uhl as the references are directed to solving different problems in different ways. Additionally, there is no motivation or suggestion in Kawasaki that a combination with either Forbess or Uhl would be desirable and the Office Action fails to explain how combining either Forbess or Uhl with Kawasaki would not result in Kawasaki being rendered unsuitable for its intended purpose.

The aim of the present invention is a starting device designed to prevent an incoming of the elastic coupling element or a part thereof into an intermediate space due to the construction between the rope sheave or the rope cable and the driving member, in a simple but still efficient and reliable manner. The matter is simply that the spring serving as an elastic coupling element cannot come into the slit and this is prevented by a thin-walled bush or sleeve by means of which the intermediate space can be filled so that the incoming of the elastic coupling element into the intermediate space, due to the construction between the rope sheave or the rope cable and the driving member can be prevented. This is something that is clearly not disclosed or hinted at in any of the cited references.

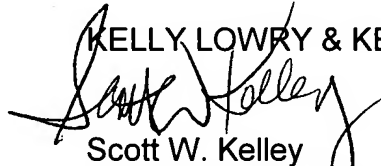
TWO MONTH TIME EXTENSION REQUEST

Submitted concurrently herewith is a petition for a two-month extension of time to respond to the Office Action, including the requisite fee.

CONCLUSION

Applicant believes that the foregoing arguments distinguish the claims of the present invention from the cited references. Accordingly, Applicant believes that all pending claims are in condition for allowance, notice of which is hereby respectfully requested.

Respectfully submitted,


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Attachments: Petition for Extension of Time

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